

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

ZO SKIN HEALTH, INC.,

Plaintiff,

vs.

LE EYELASH OC, d/b/a LE EYELASH OC, d/b/a
FIJI UNLIMITED, INC.,

Defendant.

8:21CV201

ORDER TO SHOW CAUSE

This matter comes before the court after a review of the docket and pursuant to NECivR [41.2](#), which states in relevant part: “At any time, a case not being prosecuted with reasonable diligence may be dismissed for lack of prosecution.”

Plaintiff commenced this action on May 27, 2021. ([Filing No. 1](#)). The court twice granted Plaintiff’s motions for extensions of time to serve the defendant. (Filing Nos. 11 & 16). On October 5, 2021, Plaintiff filed a summons return purporting to show the defendant was served on September 29, 2021. ([Filing No. 17](#)). After the Court’s entry of a Show Cause Order for failure to prosecute ([Filing No. 18](#)) filed on November 29, 2021, Plaintiff moved for clerk’s entry of default on December 15, 2021 ([Filing No. 19](#)), which the clerk granted on December 16, 2021 ([Filing No. 20](#)). Plaintiff has taken no further action in this case since that date. Plaintiff continues to have a duty to prosecute the case and may, for example, voluntarily dismiss the case, proceed with a request for default judgment, see NECivR 55.1(c) and Fed. R. Civ. P. 55(b)(2), or take other action as appropriate. Under the circumstances, Plaintiff must make a showing of good cause for failure to prosecute or the action will be dismissed. Accordingly,

IT IS ORDERED: On or before **March 4, 2022**, Plaintiff must show cause why this case should not be dismissed for failure to prosecute or take some other appropriate action.

Dated this 16th day of February, 2022.

BY THE COURT:

s/Michael D. Nelson
United States Magistrate Judge